

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING
APRIL 19, 2010**

ATTENDANCE: David M. Campbell, First Selectmen; David F. Bayne,
Gerald A. Nielsen, Callie Sullivan, Jayme J. Stevenson

STAFF: Karl Kilduff, Administrative Officer

CALL TO ORDER

First Selectman Campbell called the meeting to order at 7:45 p.m. A quorum was present.

PUBLIC COMMENT

There was no one present from the public who wished to address the Board at this time.

NEW BUSINESS

a) Discuss and Take Action on Board of Selectmen Communication Protocol

First Selectman Campbell then read the following into the record.

Acting First Selectman Notification and Protocol

April 19, 2010

The First Selectman will give notice to all Selectmen, via e-mail with a “reply all” request for verification that the email was received and acknowledged, of dates and times he/she will be out of town and he/she will notify the Acting First Selectmen by email with at least 72 hours advance notice if possible. All board members will notify each other of trips out of town for longer than two days and shall contact the First Selectman up return.

The Acting First Selectman will serve as First Selectman until the First Selectman returns, thus insuring that consistency of government operations will continue. All board members and the Town Administrator will be notified by the returning First Selectman immediately upon his/her return.

Only the Acting First Selectman has authority to issue directives to staff. Other Board of Selectmen members may support the Acting First Selectman if needed, but should not issue directives to staff to insure unit of command during an incident.

A Code Red Notification Group for the Board of Selectmen will be created to keep Selectmen, Emergency Management personnel and key Town of Darien staff members apprised of emergency response updates or other vital information.

Should action of the Board of Selectmen be required, or a meeting be necessary to brief the Board during the First Selectman's absence, such action or briefing can take place at either a regularly scheduled meeting, a special meeting with 24 hours advance notice, or at an emergency meeting. Pursuant to the Freedom of Information Act, an emergency meeting may be held without complying with normal notice requirements if a quorum is present. The Board of Selectmen must file its minutes, including the reason for the emergency within 72 hours (excluding week-ends and holidays) of the meeting with the Town Clerk. Emergency meetings will only be used in the event of a true emergency. The Town Administrator shall be present at all emergency meetings.

If necessary, the First Selectman shall give specific instructions to the acting First Selectman which will be carried out in his/her absence. The acting first Selectman will council with the First Selectman, if available via telephone, and the Town Administrator on all key issues.

Mr. Nielsen said that he would like to change the last sentence in the fifth paragraph to read "The Town Administrator will be present at all emergency meetings if available." Mr. Kilduff said that FOI regulations would require minutes and that if he was unable to attend, it would be important to have someone take minutes.

Mr. Bayne said that he would like to see the second sentence in the sixth paragraph changed from "will council with the" to "will confer with the".

The discussion then moved back to having the Town Administrator available. It was pointed out that the Town Administrator may not be able to get to Darien or to Town Hall. These changes will be made for the next agenda.

b.) Discuss and Take Action on a Resolution in Support of Filing an Historic Preservation Grant for Records Management.

First Selectman Campbell read the resolution into record.

**** SELECTMAN STEVENSON MOVED THE FOLLOWING RESOLUTION:**

RESOLUTION

FILING FOR AN HISTORICAL PRESERVATION GRANT

WHEREAS, THE TOWN OF DARIEN IS ELIGIBLE FOR AN HISTORIC DOCUMENTS PRESERVATION GRANT TO (1) IMPLEMENT RECOMMENDATIONS PRESENTED IN THE RECORDS MANAGEMENT SURVEY PREPARED BY PETER J. BARTUCCA IN FEBRUARY 2009, AND PURCHASED ADDITIONAL STORAGE EQUIPMENT FOR TOWN RECORDS, AND (2) MICROFILM AND REBIND FOUR VOLUMES OF LAND RECORDS INDICES COVERING 1931-1948, AND

WHEREAS, THE TOWN CLERK HAS PREPARED AN APPLICATION THAT REQUESTS \$3,000 FOR THIS PURPOSE; NOW THEREFORE BE IT,

RESOLVED: THAT THE FIRST SELECTMAN IS HEREBY AUTHORIZED, ON BEHALF OF THE BOARD OF SELECTMEN, TO SIGN AND FILE AN APPLICATION AND CONTRACT WITH THE STATE LIBRARY FOR AN HISTORIC DOCUMENTS PRESERVATION GRANT.

**** MR. BAYNE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

First Selectman Campbell then reviewed the details of the reasons for the grant application as outlined in the Selectmen's Information Packet with the Board members.

**** THE MOTION PASSED UNANIMOUSLY.**

c) Discuss and Take Action on Resolution Authorizing and Directing the First Selectman to sign a Memorandum of Understanding for Participation in the Internet Crimes Against Children Task Force.

**** MR. BAYNE MOVED THE FOLLOWING RESOLUTION:**

RESOLUTION AUTHORIZING AND DIRECTING THE FIRST SELECTMAN TO SIGN A MEMORANDUM OF UNDERSTANDING FOR PARTICIPATION IN THE INTERNET CRIMES AGAINST CHILDREN TASK FORCE

WHEREAS, MULTIPLE LAW ENFORCEMENT AGENCIES IN THE STATE OF CONNECTICUT COOPERATE ON A MULTI-JURISDICTIONAL BASIS WITH GRANT FUNDING FROM THE FEDERAL GOVERNMENT TO DETER, PREVENT, INVESTIGATE AND PROSECUTE PREDATORS WHO SEEK TO EXPLOIT OR ENGAGE MINORS IN SEXUAL ACTIVITY THROUGH THE USE OF COMPUTERS, ELECTRONIC MEDIA AND THE INTERNET; AND

WHEREAS, THE PROGRAM PROVIDES TRAINING OPPORTUNITIES FOR TASK FORCE MEMBERS TO BECOME FAMILIAR WITH THE MOST CURRENT TRENDS AND DEVELOPMENTS IN THE AREA OF CHILD SEXUAL PREDATORS; AND

WHEREAS, THE DARIEN POLICE DEPARTMENT IS CURRENTLY INVOLVED WITH THIS PROGRAM BY TRAINING ONE OF ITS OFFICERS; AND

WHEREAS, THE BOARD OF SELECTMEN PREVIOUSLY APPROVED THE PARTICIPATION IN THE TASK FORCE AS WELL AS THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING IN 2009; AND

WHEREAS, THE MEMORANDUM OF UNDERSTANDING HAS BEEN UPDATED.

NOW, THEREFORE, BE IT REVOLVED [SIC] THAT, THE DARIEN BOARD OF SELECTMEN HEREBY AUTHORIZE AND DIRECT FIRST SELECTMAN, DAVID CAMPBELL, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF DARIEN POLICE DEPARTMENT AND THE STATE OF CONNECTICUT DEPARTMENT OF PUBLIC SAFETY FOR PARTICIPATION IN THE INTERNET CRIMES AGAINST CHILDREN TASK FORCE TO DETER, PREVENT, INVESTIGATE AND PROSECUTE PREDATORS WHO SEEK TO EXPLOIT OR ENGAGE MINORS IN SEXUAL ACTIVITY THROUGH THE USE OF COMPUTERS, ELECTRONIC MEDIA AND THE INTERNET.

**** MR. NIELSEN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

d) Discuss and Take Action on a Resolution Authorizing and Directing the First Selectman to sign a Memorandum of Understanding for Use of the Enhanced 911 Database for Use in an Emergency Notification System.

**** MS. SULLIVAN MOVED THE FOLLOWING RESOLUTION:**

**RESOLUTION AUTHORIZING AND DIRECTING THE FIRST
SELECTMAN TO SIGN A MEMORANDUM OF
UNDERSTANDING FOR USE OF THE ENHANCED 911
DATABASE FOR USE IN AN EMERGENCY NOTIFICATION
SYSTEM**

WHEREAS, THE CONNECTICUT DEPARTMENT OF PUBLIC SAFETY WILL MAKE EMERGENCY NOTIFICATION SYSTEMS AVAILABLE TO ALL LOCAL

**PUBLIC SAFETY ANSWERING POINTS (PSAP) IN THE STATE AS
REQUIRED BY STATE LAW; AND**

**WHEREAS, THE DARIEN POLICE DEPARTMENT IS THE LOCAL PUBLIC
SAFETY ANSWERING POINT FOR THE TOWN OF DARIEN; AND**

**WHEREAS, THE CONNECTICUT DEPARTMENT OF PUBLIC SAFETY
RECEIVES ENHANCED 9-1-1 SUBSCRIBER DATABASE INFORMATION FROM
AT&T; AND**

**WHEREAS, STATE LAW REQUIRES THE DEPARTMENT OF PUBLIC
SAFETY TO MAKE THE DATABASE AVAILABLE TO THE LOCAL PSAP IN
ORDER TO FACILITATE THE DELIVERY OF EMERGENCY NOTIFICATION
MESSAGES BY THE PSAP TO THE PUBLIC FOR THE PURPOSE OF
ENHANCING PUBLIC SAFETY RESPONSE CAPABILITIES; AND**

**WHEREAS, THE DARIEN BOARD OF SELECTMEN WISHES TO HAVE THE
DATABASE PROVIDED TO THE DARIEN POLICE DEPARTMENT TO
CONTINUE TO ENHANCING PUBLIC SAFETY RESPONSE CAPABILITIES.**

**NOW THEREFORE, BE IT RESOLVED THAT THE TOWN OF DARIEN
IS AUTHORIZED TO ENTER INTO AN AGREEMENT WITH THE STATE OF
CONNECTICUT DEPARTMENT OF PUBLIC SAFETY; FOR THE USE OF THE
ENHANCED 9-1-1 DATABASE IN AN EMERGENCY SYSTEM AS PRESCRIBED
AND MAINTAIN THE CONFIDENTIALITY OF SUCH DATA.**

**BE IT FURTHER RESOLVED THAT DAVID CAMPBELL AS FIRST
SELECTMAN IS AUTHORIZED TO SIGN ALL DOCUMENTS IN CONNECTION
WITH THE AGREEMENT DESCRIBED ABOVE.**

**** MS. STEVENSON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**e) Discuss and Take Action on Approval of 31st Annual Darien Road Race on
September 19, 2010.**

**** MR. NIELSEN MOVED THAT :**

**THE BOARD OF SELECTMEN OF THE TOWN OF DARIEN
HEREBY GRANTS PERMISSION TO THE DARIEN ROAD RACE
TO HOLD THE 31ST ANNUAL ROAD RACE TO BE HELD
SEPTEMBER 19, 2010 STARTING AT PEAR TREE POINT**

**BEACH, SUBJECT TO THE REQUIREMENTS OF THE DARIEN
POLICE AND PARKS & RECREATION DEPARTMENTS.**

**** MR. BAYNE SECONDED.**

Ms. Mary Green was present. Mr. Bayne asked if there had been any additional modification had been requested. Ms. Green said that the group would like to continue with the rerouting of the race along the route that was used last year.

**** THE MOTION PASSED UNANIMOUSLY.**

FIRST SELECTMAN'S REPORT

First Selectman Campbell said that last week the Norwalk Common Council has voted \$100,000 to remove the bridge and \$40,000 to put in a pedestrian bridge over the Five Mile River. He said that he had known about the removal costs, but not the replacement of the bridge. Apparently, Norwalk is expecting Darien to match the funds for the bridge replacement. Campbell said that he would ask Mr. Steeger to contact his Norwalk counterpart about this.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Kilduff stated that he would like to present a resolution from the Board of Finance regarding refinancing. This proposed resolution arrived after the information packets were sent out. Mr. Bayne asked if this could wait for the next meeting. Mr. Kilduff said that it would have to be done before the next RTM meeting. Discussion followed.

Mr. Kilduff said that the Rules Committee was meeting elsewhere tonight and that they were expected to vote on a report.

AGENDA REVIEW

Mr. Bayne thanked First Selectman Campbell for keeping the Selectmen up to date on the budget discussions.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

March 31, 2010 Special Meeting

**** MR. NIELSEN MOVED THE MINUTES OF THE MARCH 31, 2010 SPECIAL MEETING.**

**** MS. STEVENSON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

April 5, 2010 Meeting.

Page 1, 2nd Paragraph last sentence, please change the following from :

“the parent of Planning, Zoning and Housing Committees”
to: “the Planning, Zoning and Housing Committees.”

Page 2, paragraph 1, line 3: please change the following from:

“Mr. Bayne said that the report was presented at an PZ&H Committee meeting.”
To: “Mr. Bayne said that the report was presented at an PZ&H Committee meeting and was a public document.”

A discussion then followed regarding additional details of the discussion on Alternative flood Mitigation Projects. Ms. Sullivan said that the public had a right to know more of the details than what was recorded in the minutes. It was decided to table the minutes pending Ms. Sullivan’s review of the videotape and subsequent submission of salient points to be added to the record.

OTHER BUSINESS

**** MR. BAYNE MOVED TO AMEND THE AGENDA TO CONSIDER A RESOLUTION APPROPRIATING FIFTY MILLION DOLLARS (\$50,000,000) TO REFUND CERTAIN OF THE TOWN’S OUTSTANDING BONDS AND AUTHORIZING THE ISSUANCE OF REFUNDING BONDS TO FINANCE SUCH APPROPRIATION.**

**** MR. NIELSEN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MS. SULLIVAN MOVED THE FOLLOWING RESOLUTION:**

RESOLUTION APPROPRIATING FIFTY MILLION DOLLARS (\$50,000,000) TO REFUND CERTAIN OF THE TOWN’S OUTSTANDING BONDS AND AUTHORIZING THE ISSUANCE OF REFUNDING BONDS TO FINANCE SUCH APPROPRIATION

RESOLVED:

Section 1. THE SUM OF FIFTY MILLION DOLLARS (\$50,000,000) IS APPROPRIATED TO FUND THE REDEMPTION AND THE PAYMENT, IN WHOLE OR IN PART, AS DETERMINED BY THE FIRST SELECTMAN, THE TOWN TREASURER, THE BOARD OF FINANCE OR ANY TOWN OFFICIAL DESIGNATED BY THE BOARD OF FINANCE AND THE FINANCE DIRECTOR OF THE TOWN OF DARIEN (THE “TOWN”), OF THE OUTSTANDING PRINCIPAL, ACCRUED INTEREST AND ALL CALL PREMIUM

ON ALL OR ANY PORTION OF ANY ISSUE OF THE TOWN'S GENERAL OBLIGATION BONDS INCLUDING, BUT NOT LIMITED TO, THE TOWN'S GENERAL OBLIGATION BONDS ISSUED IN 1999, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 AND 2010 (THE PRIOR BONDS), TOGETHER WITH THE COST OF ISSUANCE INCLUDING, BUT NOT LIMITED TO, ANY APPLICABLE CONSULTANTS' FEES, LEGAL FEES, TRUSTEE AND ESCROW AGENT FEES, INVESTMENT FEES, VERIFICATION FEES, UNDERWRITERS' FEES AND OTHER FINANCING OR TRANSACTIONAL COSTS AND OTHER EXPENSES RELATED TO THE PAYMENT OR REDEMPTION OF SUCH BONDS FOR THE PURPOSES OF REFUNDING THEM.

Section 2. THE TOWN IS HEREBY AUTHORIZED TO ISSUE ITS REFUNDING BONDS, IN AN AMOUNT NOT TO EXCEED FIFTY MILLION DOLLARS (\$50,000,000) (THE REFUNDING BONDS), TO FUND THE APPROPRIATIONS AUTHORIZED BY SECTION 1 OF THIS RESOLUTION, PROVIDED THAT THE ISSUANCE OF SUCH REFUNDING BONDS ACHIEVES PRESENT VALUE DEBT SERVICE SAVINGS FOR THE TOWN. THE REFUNDING BONDS SHALL BE ISSUED PURSUANT TO SECTION 7-370c OF THE CONNECTICUT STATE GENERAL STATUTE, AS AMENDED, AND ANY OTHER PROVISION OF THE LAW THERETO ENABLING. THE REFUNDING BONDS SHALL BE GENERAL OBLIGATIONS OF THE TOWN SECURED BY THE IRREVOCABLE PLEDGE OF THE FULL FAITH AND CREDIT OF THE TOWN.

Section 3. THE FIRST SELECTMAN AND THE TOWN TREASURER SHALL SIGN THE REFUNDING BONDS BY EITHER MANUAL OR FACSIMILE SIGNATURES AND THE LAW FIRM DESIGNATED AS BOND COUNSEL IS AUTHORIZED TO APPROVE THE LEGALITY OF THE REFUNDING BONDS.

Section 4. THE FIRST SELECTMAN, THE TOWN TREASURER, THE BOARD OF FINANCE OR ANY TOWN OFFICIAL DESIGNATED BY THE BOARD OF FINANCE DIRECTOR ARE AUTHORIZED TO DETERMINE WHICH OF THE PRIOR BONDS ARE TO BE REDEEMED AND THE AMOUNT, DATE, INTEREST RATES AND INTEREST MODE, MATURITIES, REDEMPTION PROVISIONS, FORM AND OTHER DETAILS OF THE REFUNDING BONDS; TO DESIGNATE ONE OR MORE BANKS OR TRUST COMPANIES TO BE CERTIFYING BANK, REGISTRAR, TRANSFER AGENT AND PAYING AGENT FOR THE REFUNDING BONDS AND ESCROW AGENT WITH RESPECT TO THE REFUNDING ESCROW OR ESCROWS TO BE FUNDED WITH PROCEEDS OF THE REFUNDING BONDS; TO PROVIDE FOR THE KEEPING OF A RECORD OF THE REFUNDING BONDS; TO SELL THE REFUNDING BONDS AT PUBLIC OR PRIVATE SALE; TO DELIVER THE REFUNDING BONDS; AND TO PERFORM

ALL OTHER ACTS WHICH ARE NECESSARY OR APPROPRIATE TO ISSUE THE REFUNDING BONDS.

Section 5. THE FIRST SELECTMAN AND THE TOWN TREASURER ARE AUTHORIZED TO CALL IRREVOCABLY FOR REDEMPTION SUCH OF THE MATURITIES OF THE PRIOR BONDS, AS THEY SHALL DETERMINE TO REFUND FROM THE PROCEEDINGS OF THE REFUNDING BONDS AND OTHER MONEYS AS THEY MAY DETERMINE TO MAKE AVAILABLE FOR THIS PURPOSE AND TO DEFEASE SUCH PRIOR BONDS BY EXECUTING AND DELIVERING AN ESCROW AGREEMENT IN SUCH FORM AND UPON SUCH TERMS AS THEY SHALL APPROVE, SUCH APPROVAL TO BE CONCLUSIVELY EVIDENCED BY THEIR EXECUTION THEREOF.

Section 6. THE FIRST SELECTMAN, THE TOWN TREASURER AND THE FINANCE DIRECTOR, OR ANY TWO OF THEM, ARE AUTHORIZED TO BIND THE TOWN PURSUANT TO SUCH REPRESENTATIONS AND COVENANTS AS THEY DEEM NECESSARY OR ADVISABLE IN ORDER TO MAINTAIN THE CONTINUED EXEMPTION FROM FEDERAL INCOME TAXATION OF INTEREST ON THE REFUNDING BONDS AUTHORIZED BY THIS RESOLUTION, IF ISSUED ON A TAX-EXEMPT BASIS, INCLUDING COVENANTS TO PAY REBATES OF INVESTMENT EARNINGS TO THE UNITED STATES IN FUTURE YEARS.

Section 7. THE FIRST SELECTMAN, THE TOWN TREASURER AND THE FINANCE DIRECTOR, OR ANY ONE OF THEM, ARE AUTHORIZED TO MAKE REPRESENTATIONS AND ENTER INTO WRITTEN AGREEMENTS FOR THE BENEFIT OF HOLDERS OF THE REFUNDING BONDS TO PROVIDE SECONDARY MARKET DISCLOSURE INFORMATION, WHICH AGREEMENTS MAY INCLUDE SUCH TERMS AS SHE OR HE DEEMS ADVISABLE OR APPROPRIATE IN ORDER TO COMPLY WITH APPLICABLE LAWS OR RULES PERTAINING TO THE SALE OR PURCHASE OF SUCH REFUNDING BONDS.

Section 8. THE FIRST SELECTMAN AND THE TOWN TREASURER ARE AUTHORIZED TO TAKE ALL OTHER ACTION WHICH IS NECESSARY OR DESIRABLE TO ENABLE THE TOWN TO EFFECTUATE THE REFUNDING OF ALL OR A PORTION OF THE PRIOR BONDS AND TO ISSUE REFUNDING BONDS AUTHORIZED HEREBY FOR SUCH PURPOSES, INCLUDING, BUT NOT LIMITED TO, THE ENTRANCE INTO AGREEMENTS ON BEHALF OF THE TOWN WITH UNDERWRITERS, TRUSTEES, ESCROW AGENTS, AND OTHERS TO FACILITATE THE ISSUANCES OF THE REFUNDING BONDS, THE ESCROW OF THE PROCEEDS THEREOF AND INVESTMENT EARNINGS THEREON AND THE PAYMENT OF THE PRIOR BONDS IN WHO OR IN PART.

**Section 9. ANY AUTHORIZED BUT UNISSUED PORTIONS OF
PREVIOUS REFUNDING AUTHORIZATIONS ARE RESCINDED.**

**** MS. STEVENSON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** MR. BAYNE MOVED TO ADJOURN.**

**** MS. STEVENSON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:19 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services